

REMARKS/ARGUMENTS

Claims 1-16 and 20 remain pending in this application.

Claims 13 and 14 have been amended to correct minor editorial problems as suggested by the Examiner. Claim 1 has been amended as well to further clarify the scope of the claimed invention.

Applicant notes that claim 20 is allowed. Applicant further notes that claims 6, 9 and 12 contain allowable subject matter.

The Examiner has rejected claims 1, 2, 5, 7, 8, and 13 under 35 U.S.C. 103(a) as being unpatentable over Arling et al (US 7000933) in view of Turner (US 6964425). Applicant respectfully disagrees with the Examiner's rejection.

Arling pertains to a method for attaching a carrier, such as a trailer, to a dynamically balanced transporter. As shown in Figures 1 and 4 of Arling, the transporter is a personal vehicle having a motion control system that actively maintains the stability of the transporter while the transporter is operating. A well known transporter of the type described would be the Segway, as manufactured by DEKA, the assignee of the Arling reference. Clearly, the transporter shown in Arling is a personal transport device on which the operator stands during use.

In contrast, the present invention pertains to a motorized towing device not intended to be mounted by an operator. The device is intended to provide assistive motive power to an operator that continues to walk in proximity to the device, but not on the device. To specify this point of distinction, the preamble of claim 1 has been amended to recite:

"A towing device for providing assistive motive power to an operator while walking, said towing device comprising..."

Applicant believes that such an amendment makes it clear that the towing device is not a personal transporter but, rather, is an assistive device that accompanies a walking operator.

It is respectfully submitted that this amendment serves to distinguish claim 1, as well as the respective dependent claims over Arling, whether considered alone, or in combination with Turner. Reconsideration is respectfully requested.

The Examiner has also rejected claims on the basis of the following:

Claims 2-5, 7, 8, and 13 are rejected as unpatentable over Arling as modified by Turner and further in view of Schoenberg (US 7,017,685); and

Claim 16 is rejected as unpatentable over Arling as modified by Turner and Schoenberg and further in view of Brunet (US 4,709,772).

Applicant submits that the amendment to independent claim 1 as specified above also serves to distinguish these claims as they all ultimately depend from claim 1, and none of the additional secondary references address the deficiencies noted in Arling. As such, reconsideration is respectfully requested.

CONCLUSION


For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-16 and 20) are in condition for allowance.

Respectfully submitted,

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9/4/08
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